

ORIGINAL

BEFORE THE  
**Federal Communications Commission**  
 WASHINGTON, DC 20554

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AUG 4 1997

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )

 Cellular Service and Other Commercial )  
 Mobile Radio Services in the Gulf of )  
 Mexico )

WT Docket No. 97-112

 Amendment of Part 22 of the Commis- )  
 sion's Rules to Provide for Filing and )  
 Processing of Applications for Unserved )  
 Areas in the Cellular Service and to )  
 Modify Other Cellular Rules )

CC Docket No. 90-6

**REPLY COMMENTS OF**  
**ARCH COMMUNICATIONS GROUP, INC.**

Arch Communications Group, Inc. ("Arch"), by its attorneys and pursuant to Sections 1.415(c) and 1.419(b) of the Commission's rules, hereby replies to the comments filed in response to the *Second Notice of Proposed Rulemaking* adopted in the above-referenced proceeding ("*Second NPRM*").<sup>1</sup> As an incumbent paging carrier operating on numerous frequencies in the areas surrounding the Gulf of Mexico, includ-

<sup>1</sup> *In the Matter of Amendment of Cellular Service and Other Commercial Mobile Radio Services in the Gulf of Mexico, Amendment of Part 22 of the Commission's Rules to Provide for the Filing and Processing of Applications for Unserved Areas in the Cellular Service and to Modify Other Cellular Rules*, WT Docket No. 97-112, CC Docket No. 90-6, Second Notice of Proposed Rule Making, 12 FCC Rcd 4576 (March 28, 1997).

ing two nationwide paging frequencies,<sup>2</sup> Arch has a direct and clear interest in the issues raised in the instant proceeding.

The record clearly supports the conclusion that existing nationwide wireless carriers, including paging and NPCCS carries, have authority to provide service to Gulf offshore areas. Commenters point to the established MTA/BTA service area definitions, the *Mobil Oil Telecom* decision, and the Commission's service and technical rules as evidencing the rights of incumbent land-based carriers.<sup>3</sup> To eliminate any confusion regarding these rights, however, Arch agrees that the Commission should expressly confirm that existing nationwide wireless licensees, including nationwide paging and NPCCS licensees, are authorized to serve the Gulf's offshore areas.<sup>4</sup>

Once the Commission acknowledges that the service areas of incumbent nationwide wireless carriers include offshore areas in the Gulf, Arch agrees that the Commission must refrain from developing a Gulf of Mexico licensing scheme that would in any way enable new service providers to preclude incumbent licensees from fully deploying

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<sup>2</sup> Arch is a leading provider of paging services with over 3 million pagers currently in service. Arch operates in more than 40 states, and in 80 of the 100 largest markets in the United States. One of Arch's wholly-owned subsidiaries, The Westlink Company, owns and controls 15% of the voting stock and 49.9% of the equity of Benbow PCS Ventures, Inc., licensee of two regional narrowband PCS ("NPCCS") authorizations.

<sup>3</sup> See, e.g., Comments of Aerial Communications at 3-5; Comments of ALLTEL at 5; Comments of BellSouth at 5-6; Comments of PrimeCo Personal Communications, LP ("PrimeCo") at 4-14; Comments of Sprint Spectrum, L.P. at 4-6.

<sup>4</sup> Comments of PageNet at 8-9; PrimeCo at 4-12.

land-based systems within their authorized service areas, including coastal areas.<sup>5</sup> As PageNet and ProNet explain, closely locating co-channel facilities of land-based and water-based carriers in the paging and NPCS service virtually guarantees water-based carriers will cause harmful interference to existing land-based carriers, infringing on their ability to construct and operate contiguous land-based systems.<sup>6</sup>

If the Commission does in fact authorize additional, water-based carriers in the Gulf, Arch concurs with PageNet's request that the Commission adopt additional licensing and operational rules to protect existing land-based operations. Specifically, Arch supports PageNet's request that the Commission (1) authorize water-based operations on a secondary basis to all existing and future land-based systems; (2) require that water-based systems refrain from ever causing harmful interference to land-based systems; and (3) require that water-based licensees provide full co-channel protection to

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<sup>5</sup> See, e.g., Comments of AMTA at 6 (a new Gulf service area would deprive 900 MHz MTA SMR licensees of some of the "asset" they acquired); Comments of Benbow PCS Ventures, Inc. at 2 (separate Gulf licensing would unlawfully modify narrowband PCS authorization); Comments of DW Communications at 2-3 (re. 900 MHz SMR MTA licensing).

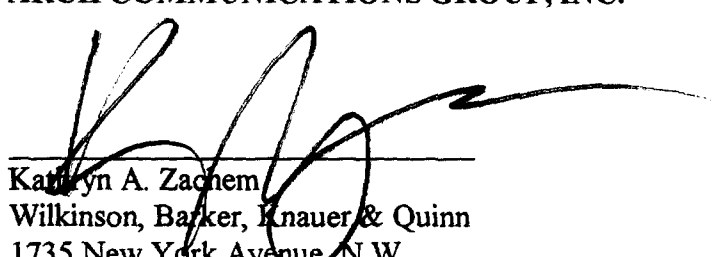
<sup>6</sup> Comments of PageNet at 5-8; ProNet at 3-5.

land-based licensees currently operating in the Gulf coastal areas, including any service areas that extend over water.<sup>7</sup>

Respectfully submitted,

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<sup>7</sup> Comments of PageNet at 5-8.

### **CERTIFICATE OF SERVICE**

I, Joy M. Griffiths, hereby certify that on this 3rd day of August, 1997, copies of the foregoing Reply Comments were mailed, postage prepaid, to the following:

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